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S. 2929

To establish an intelligence community to promote the national security of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 2 (legislative day, JUNE 12), 1980

Mr. WALLOP (for himself, Mr. LUGAR, Mr. LAXALT, Mr. SIMPSON, Mr. HAYAKAWA, Mr. HATCH, Mr. THURMOND, Mr. DOLE, and Mr. SCHWEIKER) introduced the following bill; which was read twice and referred to the Committee on Government Affairs

A BILL

To establish an intelligence community to promote the national security of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—THE INTELLIGENCE COMMUNITY**

4 **STATEMENT OF PURPOSE**

5 SEC. 101. It is the purpose of this Act to promote the
6 national security of the United States by creating an intelli-
7 gence community, composed of independent agencies and
8 components of departments, which shall—

1 (1) provide the United States Government with
2 accurate, reliable, and timely information relating to
3 the national defense of the United States, to the condi-
4 tions affecting the conduct of the foreign policy of the
5 United States, and to the protection of the United
6 States from the activities of foreign intelligence serv-
7 ices, from international terrorism, and from large-scale
8 and organized international crime, and

9 (2) conduct such additional activities as may assist
10 in the achievement of the objectives described in para-
11 graph (1).

12 ESTABLISHMENT OF THE INTELLIGENCE COMMUNITY

13 SEC. 102. (a) The intelligence community of the United
14 States shall consist of—

15 (1) the Office of the Director of National Intelli-
16 gence;

17 (2) the Central Intelligence Analysis Agency;

18 (3) the Defense Intelligence Agency;

19 (4) the Foreign Intelligence Agency;

20 (5) the National Security Agency;

21 (6) the intelligence components of the Federal
22 Bureau of Investigation;

23 (7) the offices within the Department of Defense
24 for the collection of specialized intelligence through re-
25 connaissance programs;

1 (8) the National Counterintelligence Office;

2 (9) the intelligence and security components of the
3 military services;

4 (10) the intelligence and security components of
5 the Department of State, the Department of Treasury,
6 and the Department of Energy;

7 (11) the intelligence components of the Drug En-
8 forcement Agency; and

9 (12) such other components of the departments
10 and agencies, to the extent determined by the Presi-
11 dent, as may be engaged in intelligence activities.

12 (b) The entities of the intelligence community are au-
13 thorized to conduct intelligence activities in accordance with
14 the provisions of this Act. Subject to the provisions of section
15 107, nothing in this Act shall be construed to prohibit any
16 department or agency from engaging in any activity which is
17 otherwise authorized.

18 (c) As used in this Act, the term "intelligence commit-
19 tees of the Congress" means the Select Committee on Intelli-
20 gence of the United States Senate and the Permanent Select
21 Committee on Intelligence of the United States House of
22 Representatives, or their successors.

1 MISSION OF THE INTELLIGENCE COMMUNITY OF THE
2 UNITED STATES

3 SEC. 103. It shall be the mission of the intelligence
4 community—

5 (1) to gather current, accurate, and useful infor-
6 mation about the structure, activities, characteristics,
7 equipment, plans, and objectives of foreign powers or
8 factions;

9 (2) to anticipate and to monitor throughout the
10 world those developments that could pose a danger to
11 the United States or its allies, or that might provide an
12 opportunity for the United States to conduct its foreign
13 policy more successfully or to enhance its national
14 security;

15 (3) to provide the United States with the best
16 possible intelligence in the event of war or other na-
17 tional crisis involving a foreign power; and

18 (4) to protect the United States against terrorism
19 and any harm resulting from foreign intelligence activi-
20 ties and large-scale organized international crime.

21 DIRECTOR OF NATIONAL INTELLIGENCE

22 SEC. 104. (a) There is established in the Executive
23 Office of the President an Office of the Director of National
24 Intelligence, headed by a Director of National Intelligence

1 who shall be appointed by, and serve at the pleasure of, the
2 President.

3 (b) The Office of the Director shall include—

4 (1) a United States Intelligence Board (hereinafter
5 in this Act referred to as "USIB") which shall be con-
6 stituted by the heads of the entities of the intelligence
7 community for the purpose of coordinating the intelli-
8 gence activities of the United States;

9 (2) a Board of Presidential Estimates, whose
10 members shall be appointed by the Director of Nation-
11 al Intelligence to prepare briefings on intelligence for
12 the President and the National Security Council; and

13 (3) any other committees, boards, and staff the
14 Director, in consultation with the USIB, shall choose
15 to appoint.

16 (c)(1) The Director shall serve as the President's chief
17 advisor on intelligence matters and shall—

18 (A) keep the President currently informed regard-
19 ing the views and developments within the intelligence
20 community;

21 (B) receive the budget estimates and proposed
22 programs of the various entities of the intelligence
23 community and forward them to the President with the
24 Director's recommendations;

1 (C) transmit to the various entities of the intelli-
2 gence community the President's orders and priorities
3 regarding intelligence matters;

4 (D) coordinate the recommendations of the various
5 entities of the intelligence community for legislation
6 and submit such recommendations to the Congress to-
7 gether with the comments and recommendations of the
8 President;

9 (E) facilitate liaison among the various entities of
10 the intelligence community, the Intelligence Oversight
11 Board, and the National Foreign Intelligence Advisory
12 Board;

13 (F) provide the President and the Congress with
14 an annual assessment of the effectiveness of the intelli-
15 gence community, its strengths and weaknesses, and
16 how the intelligence community can be improved;

17 (G) promulgate and enforce regulations governing
18 the classification of sensitive information acquired by
19 the various entities of the intelligence community and
20 the transfer of such information among such entities,
21 providing for the security of such information;

22 (H) coordinate and arrange for the provision of
23 common technical services needed by the various enti-
24 ties of the intelligence community, among which serv-
25 ices shall be the provision and coordination of cover for

1 personnel designated by the head of each agency in the
2 intelligence community as requiring cover; and

3 (I) perform such other duties relating to intelli-
4 gence matters as the President may prescribe.

5 (2) Upon request of the Director of National Intelli-
6 gence, any department or agency of the United States shall
7 provide credentials and assignments to employees of the in-
8 telligence community indistinguishable from the credentials
9 and assignments of that department or agency. The Director
10 is authorized to reimburse any other department or agency of
11 the Federal Government or any private business or organiza-
12 tion for any salary, benefit, damage, or other expense in-
13 curred by such department, agency, business, or organization
14 in providing cover for any employee of any agency of the
15 intelligence community.

16 (d) In response to requests from the National Security
17 Council, the Director of Central Intelligence shall cause to be
18 produced Presidential intelligence estimates. In responding to
19 any such request, the Director shall—

20 (1) draw upon the resources of the entire intelli-
21 gence community;

22 (2) ensure that any diverse points of view are
23 fully presented and carefully considered, and that dif-
24 ferences of judgment within the intelligence community
25 are clearly expressed; and

1 (3) have authority to assign analytic tasks to any
2 departmental intelligence production organization
3 within the intelligence community, in consultation with
4 the head of such organization.

5 NATIONAL FOREIGN INTELLIGENCE ADVISORY BOARD

6 SEC. 105. (a) There is established a National Foreign
7 Intelligence Advisory Board (hereinafter in this section re-
8 ferred to as the "Advisory Board").

9 (b) The Advisory Board shall be composed of nine mem-
10 bers who shall be appointed by the President. Members shall
11 be selected for appointment on the basis of their exceptional
12 independence and expertise.

13 (c) Individuals shall be appointed to the Advisory Board
14 for a term of seven years except that persons first appointed
15 to the Advisory Board shall be designated by the President to
16 serve the following terms: Two members shall be appointed
17 for a term of two years, three members shall be appointed for
18 a term of four years, and four members shall be appointed for
19 a term of seven years.

20 (d) The President shall designate one of the members of
21 the Advisory Board to serve as chairman, but no member
22 may serve as chairman for more than three years.

23 (e) It shall be the function of the Advisory Board to
24 continually evaluate the effectiveness and efficiency of the
25 intelligence community. The Advisory Board shall report the

1 results of its evaluations from time to time to the President
2 and to the Permanent Select Committee on Intelligence of
3 the House of Representatives and the Select Committee on
4 Intelligence of the Senate. Such report shall include such
5 comments and recommendations for administrative or legisla-
6 tive actions as the Advisory Board deems appropriate.

7 (f) The Advisory Board shall employ such staff as may
8 be necessary to carry out the functions of the Advisory
9 Board.

10 (g) Consistent with applicable provisions of law, the Di-
11 rector of National Intelligence and the heads of all entities of
12 the intelligence community shall make available to the Advi-
13 sory Board any information it may request.

14 INTELLIGENCE OVERSIGHT BOARD

15 SEC. 106. (a) There is established a board to be known
16 as the Intelligence Oversight Board (hereinafter in this sec-
17 tion referred to as the "Board") which shall be composed of
18 five members to be appointed by the President, by and with
19 the advice and consent of the Senate. Members of the Board
20 shall be appointed solely on the basis of their eminent qualifi-
21 cations to perform the duties of the Board.

22 (b)(1) Persons first appointed to the Board shall be ap-
23 pointed for the following terms, as designated by the Presi-
24 dent at the time of their nomination for appointment: Two
25 members shall be appointed for a term of three years, two

1 members shall be appointed for a term of two years, and one
2 member shall be appointed for a term of one year. Thereaf-
3 ter, all members shall be appointed for a term of three years,
4 except that a person appointed to fill a vacancy occurring
5 prior to the expiration of the term for which his predecessor
6 was appointed shall be appointed only for the unexpired term
7 of his predecessor.

8 (2) The President shall designate one of the members of
9 the Board to serve as chairman.

10 (c) It shall be the duty of the Board to thoroughly inves-
11 tigate allegations of illegal, unethical, or improper activities
12 of any entity of the intelligence community. The Board shall,
13 at its own discretion, report the results of any investigation
14 conducted by it under this section to the head of the appropri-
15 ate entity of the intelligence community, to the President, to
16 the Director of National Intelligence, to the Permanent
17 Select Committee on Intelligence of the House of Repre-
18 sentatives, and the Select Committee on Intelligence of the
19 Senate, or to the Attorney General of the United States.

20 (d) In carrying out its duties under this section, the
21 Board shall, consistent with applicable provisions of law, be
22 given access to such files, documents, records, and other in-
23 formation as it may request.

1 GUIDELINES FOR INTELLIGENCE COLLECTION AND
2 DISSEMINATION

3 SEC. 107. (a) The head of each entity of the intelligence
4 community shall establish, subject to the approval of the Di-
5 rector of National Intelligence and the Attorney General,
6 guidelines with respect to each of the collection methods re-
7 ferred to in subsection (c) that may be used by such entity
8 against a United States person in the collection of intelli-
9 gence information. In no case may any collection method be
10 targeted against a United States person without the consent
11 of such person, except in accordance with the guidelines es-
12 tablished pursuant to the first sentence. Such guidelines
13 shall—

14 (1) take into account the constitutional rights of
15 such person;

16 (2) specify the official who must authorize the col-
17 lection activity to be used;

18 (3) be reasonably designed to match the acquisi-
19 tion of information concerning United States persons
20 with the need of the United States to obtain informa-
21 tion relating to the national security and foreign policy
22 of the United States and information regarding activi-
23 ties of hostile intelligence services, international terror-
24 ists groups, and large-scale international criminal orga-
25 nizations; and

1 (4) be consistent with subsection (d).

2 (b) The head of each entity of the intelligence commu-
3 nity shall establish, subject to the approval of the Director of
4 National Intelligence and the Attorney General, guidelines
5 with respect to the dissemination of information concerning
6 United States persons. Such guidelines shall—

7 (1) ensure that such information does not identify
8 a United States person unless the identity is necessary
9 to understand or assess an intelligence matter, except
10 as provided in paragraph (3);

11 (2) permit dissemination of such information to the
12 United States Counterintelligence Office;

13 (3) permit dissemination of such information to
14 foreign or domestic law enforcement officials if the in-
15 formation indicates an immediate threat of serious
16 danger to any person or property or if such information
17 is evidence involving a felony; and

18 (4) be consistent with subsection (e).

19 (c)(1) The Director of the National Intelligence and the
20 Attorney General shall jointly prescribe in writing definitions
21 for the following intelligence collection and techniques which
22 shall be applicable to and binding upon each entity of the
23 intelligence community:

1 (A) Intrusive techniques, including those tech-
2 niques that may require a judicial warrant if used to
3 collect information for a law enforcement purpose.

4 (B) Informants and undercover agents.

5 (C) Other covert or clandestine techniques, includ-
6 ing the use of techniques in which the person from
7 whom information is being obtained is unaware that he
8 or she is providing information to an entity of the intel-
9 ligence community.

10 (D) Examination of financial or other third-party
11 records, including telephone bills, medical records, and
12 hotel registration forms.

13 (E) Public information sources, including inter-
14 views in which the interviewer acknowledges the inter-
15 viewer's connection with an entity of the intelligence
16 community.

17 (2) The Director of the National Intelligence and the
18 Attorney General shall provide appropriate security classifi-
19 cation for the methods defined under paragraph (1), for the
20 information gained by those methods, and for the guidelines
21 established under subsections (a) and (b).

22 (d) Intrusive techniques may not be directed against any
23 United States person for the purpose of obtaining foreign in-
24 telligence while such person is in the United States unless
25 the President or his designee determines that the use of such

1 techniques is necessary in order to obtain intelligence essen-
2 tial to the national security and that such intelligence cannot
3 be obtained by less intrusive methods.

4 (e)(1) Subject to the provisions of paragraphs (2) and (3),
5 the United States Counterintelligence Office may disseminate
6 intelligence information with respect to a United States
7 person only if the facts and circumstances reasonably indicate
8 that such person is or may be engaged in—

9 (A) a clandestine intelligence activity on behalf of
10 a foreign power or organization;

11 (B) any other clandestine activity on behalf of a
12 foreign power or organization; or

13 (C) international terrorist activity, or preparations
14 therefor.

15 (2) The United States Counterintelligence Office may
16 also disseminate intelligence information with respect to a
17 United States person to another entity of the intelligence
18 community, upon request of any such entity regarding the
19 suitability of such person as a potential source of intelligence
20 or operational assistance. A record of each such transfer shall
21 be maintained by such office.

22 (3) Nothing in this section shall be construed to prohibit
23 the United States Counterintelligence Office from disseminat-
24 ing information regarding a United States person if such

1 person has given his or her consent to the dissemination of
2 such information.

3 (f) As used in this Act, the term "United States person"
4 means—

5 (1) a citizen of the United States, except that any
6 person residing outside the United States may be pre-
7 sumed not to be a citizen of the United States until it
8 is determined that he is a citizen;

9 (2) a person admitted to the United States for
10 permanent residence, except that such person may be
11 presumed not to be a United States person after one
12 year of continuous residence outside the United States
13 until it is determined that he intends to return to the
14 United States as a permanent resident; or

15 (3) any organization composed primarily of United
16 States persons as defined in paragraph (1) or (2), or a
17 corporation incorporated within the United States and
18 owned primarily by United States persons as defined in
19 paragraph (1) or (2), except that any organization or
20 corporation which is controlled or directed by a foreign
21 government, faction, group, or political party shall not
22 be considered a United States person.

1 AUTHORITY TO CLASSIFY INFORMATION: PROHIBITION
2 AGAINST UNAUTHORIZED DISCLOSURE

3 SEC. 108. (a) The head of each entity of the intelligence
4 community may classify information in accordance with rules
5 and regulations as the Director of National Intelligence shall
6 prescribe.

7 (b) Classified information shall be protected in accord-
8 ance with such rules as may be prescribed by the President,
9 or, at the direction of the President, by the Director of Na-
10 tional Intelligence.

11 (c) Any employee of any entity of the intelligence com-
12 munity or any person who receives classified information
13 from any agency of the intelligence community and who dis-
14 closes any classified information to any person not authorized
15 to receive such information shall be guilty of an offense de-
16 scribed in section 794 of title 18 of the United States Code.

17 EXEMPTION FROM CERTAIN REQUIREMENTS UNDER
18 OTHER LAWS

19 SEC. 109. The entities of the intelligence community
20 shall be exempt from the provisions of any law which re-
21 quires the publication or disclosure, or the search or review
22 in connection therewith, of information in files specifically
23 designated by the Director of National Intelligence to be con-
24 cerned with any of the following:

1 (1) The design, function, deployment, exploitation,
2 or utilization of scientific or technical systems for the
3 collection of foreign intelligence or counterintelligence
4 information.

5 (2) Special activities and foreign intelligence or
6 counterintelligence activities.

7 (3) Investigations conducted to determine the suit-
8 ability of potential intelligence sources.

9 (4) Intelligence and security liaison arrangements
10 or information exchanges with foreign governments or
11 their intelligence or security services.

12 EXEMPTION FROM TITLE 5

13 SEC. 110. Any civilian individual employed by any
14 entity of the intelligence community may be hired, paid, pro-
15 moted and dismissed without regard to the provisions of title
16 5 of the United States Code.

17 AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961

18 SEC. 111. Section 662 of the Foreign Assistance Act of
19 1961 (22 U.S.C. 2422) is repealed.

20 AMENDMENT TO INTERNATIONAL SECURITY ASSISTANCE

21 AND ARMS EXPORT CONTROL ACT OF 1976

22 SEC. 112. Section 404 of the International Security As-
23 sistance and Arms Export Control Act of 1976 (22 U.S.C.
24 2293 note) is repealed.

1 **TITLE II—CENTRAL INTELLIGENCE ANALYSIS**
2 **AGENCY**

3 **ESTABLISHMENT OF THE AGENCY**

4 SEC. 201. There is established a Central Intelligence
5 Analysis Agency (hereinafter in this title known as the
6 “Agency”) to collate intelligence from all sources available to
7 the United States, and to produce such estimates and peri-
8 odic and special publications as may be useful for the suc-
9 cessful formulation and execution of the foreign policy and
10 the defense policy of the United States.

11 **DIRECTOR OF THE AGENCY**

12 SEC. 202. There shall be at the head of the Agency a
13 Director of the Central Intelligence Analysis Agency. The
14 Director shall be appointed by the President, by and with the
15 advice and consent of the Senate, to serve a term of ten
16 years. The Director may not be reappointed, and may be
17 removed by the President only for cause. The Director shall
18 appoint such subordinate officials as may be necessary for the
19 effective accomplishment of the Agency’s mission.

20 **MISSION OF THE AGENCY**

21 SEC. 203. It shall be the mission of the Agency, on the
22 basis of classified intelligence information, to—

23 (1) warn the President and the intelligence com-
24 mittees of the Congress of any impending warlike acts
25 anywhere in the world;

1 (2) warn the Director of National Intelligence and
2 the United States Intelligence Board of any shortages
3 of data which impair the Agency's ability to assess for-
4 eign situations;

5 (3) correctly assess the disposition of foreign gov-
6 ernments, parties, factions, or entities toward the
7 United States, the allies of the United States, and the
8 interests of the United States;

9 (4) correctly assess the size, scope, and purpose of
10 the military and political activities of foreign nations;
11 and

12 (5) correctly assess the political and military vul-
13 nerabilities of foreign governments, parties, factions, or
14 entities.

15 TITLE III—DEFENSE INTELLIGENCE AGENCY

16 ESTABLISHMENT OF THE AGENCY

17 SEC. 301. There is established within the Department
18 of Defense a Defense Intelligence Agency (hereinafter in this
19 title known as the "Agency") for the purpose of—

20 (1) serving as the intelligence staff element for the
21 United States Joint Chiefs of Staff;

22 (2) coordinating the work of the intelligence ele-
23 ments of the Armed Forces; and

24 (3) fulfilling the same mission set forth in section
25 203 of this Act.

1 MISSION OF THE AGENCY

2 SEC. 403. It shall be the mission of the Agency to col-
3 lect throughout the world information not available to the
4 public for the purpose of keeping the President and the Con-
5 gress fully, accurately, and currently informed regarding the
6 resources, plans, and activities of foreign governments, fac-
7 tions, and other entities that might affect the foreign relations
8 or the safety and welfare of the United States, and to be
9 prepared to successfully undertake such special activities as
10 the President may from time to time order in writing.

11 DUTIES OF THE AGENCY

12 SEC. 404. (a) The Agency shall collect intelligence from
13 human sources outside the United States, shall serve as the
14 coordinating body for all activities of various entities of the
15 intelligence community engaged in collecting intelligence
16 from human sources outside the United States, and shall pro-
17 vide support to such entities in carrying out such activities.

18 (b) The Agency shall develop and maintain the capabil-
19 ity to influence events outside the United States in such a
20 manner that the role of the United States Government is
21 neither revealed nor acknowledged, and shall undertake such
22 special activities as the President may from time to time
23 direct.

24 (c) In coordination with the Federal Bureau of Investi-
25 gation, the Agency shall conduct such intelligence activities

1 within the United States as may be necessary and appropri-
2 ate to carry out effectively its duties outside the United
3 States. In no event, however, shall the Agency engage in
4 domestic law enforcement.

5 DUTIES OF THE DIRECTOR

6 SEC. 405. (a) The Director shall be responsible for car-
7 rying out the mission and the duties of the Agency.

8 (b) In carrying out his duties under this title, the Direc-
9 tor shall—

10 (1) provide all necessary information (which shall
11 be in identical form and content) to the two analytic
12 components of the intelligence community, the Central
13 Intelligence Analysis Agency, and the Defense Intelli-
14 gence Agency;

15 (2) submit to the intelligence committees of the
16 Congress not less than once each year a description of
17 all activities of the Agency, with a notation as to the
18 opportunities which arose during the reporting period
19 for improving the United States collection of intelli-
20 gence and for the application of special activities
21 abroad to the advantage of the United States, and a
22 statement as to the reasons the Agency took advan-
23 tage of, or declined, those opportunities;

24 (3) assign, in such number and in such manner as
25 shall be prescribed by the Director of National Intelli-

1 gence, employees of the Agency to the United States
2 Counterintelligence Office; and

3 (4) take such action as may be necessary to
4 ensure that classified information in the possession of
5 the Agency is not provided to any person not author-
6 ized by Agency regulations to receive such information
7 unless specifically authorized by the President.

8 POWERS OF THE AGENCY

9 SEC. 406. (a) The Agency may permit employees of the
10 Agency to use cover techniques anywhere in the world if,
11 and to the extent that, the Director determines the use of
12 such techniques are necessary to accomplish the mission of
13 the Agency. Whenever any employee of the Agency is au-
14 thorized to use a cover technique, such employee may ex-
15 ecute and carry documents under false identity.

16 (b) At the direction of the Director of National Intelli-
17 gence, the Agency shall effect cover for employees of other
18 agencies or departments engaged in intelligence activities
19 outside the United States.

20 (c) The Agency is authorized to purchase, establish, op-
21 erate, and dispose of any commercial enterprise within or
22 outside the United States for the purpose of providing any
23 employee of the Agency with cover or for the purpose of
24 carrying out any of the activities authorized by this title.

1 (d) The Agency is authorized to hire and discharge per-
2 sonnel, to award contracts, and to pay agents without regard
3 to any other law or regulation of the United States. Howev-
4 er, the Director shall promulgate rules and regulations gov-
5 erning personnel matters, and shall keep a written record of
6 all cases in which exceptions to such rules and regulations
7 are made.

8 (e) Under such regulations as the Director shall pre-
9 scribe, Agency personnel may carry and use firearms while
10 in the discharge of their official duties. Within the United
11 States such official duties shall include only the protection
12 of—

13 (1) information concerning intelligence sources and
14 methods and classified documents and materials;

15 (2) facilities, property, moneys, and other valuable
16 assets owned or utilized by the Agency;

17 (3) the Director, and such other personnel of the
18 Agency as the Director may designate, but any such
19 designation made by the Director shall be made only
20 upon a determination that a specifically stated exigency
21 warrants armed protection and such designation shall
22 be terminated, unless renewed by the Director upon
23 the expiration of the exigency, at the time specified in
24 the designation order, or at the end of one hundred

25

1 twenty days after the initial designation, whichever
2 occurs first; and

3 (4) defectors and foreign persons visiting the
4 United States under Agency auspices.

5 (f) The Agency may provide for the transportation and
6 utilization of firearms and ammunition therefor for training
7 and authorized special purposes.

8 (g) The Agency may engage in intelligence activity out-
9 side the United States, other than an intelligence gathering
10 activity, if such activity is approved by the President before
11 such activity is undertaken and if the intelligence committees
12 of the Congress are notified of such activity as soon as practi-
13 cable.

14 (h) The Agency may conduct such research and devel-
15 opment programs as may be necessary to carry out its mis-
16 sion effectively and efficiently.

17 (i) The authorities under subsections (a) through (e) of
18 this section may be exercised notwithstanding any other pro-
19 vision of law, and shall not be effected by any subsequent
20 provision of law which does not explicitly modify or repeal
21 such subsections.

22 ACCOUNTABILITY FOR FUNDS: CONTINGENCY RESERVE

23 FUND

24 SEC. 407. (a) Whenever the Director determines such
25 action is essential to accomplish the mission of the Agency,

1 the expenditure of funds appropriated or transferred to the
2 Agency shall be accounted for solely on the written certifi-
3 cate of the Director.

4 (b) There is established within the Agency a fund to be
5 known as the Contingency Reserve Fund (hereinafter in this
6 section referred to as the "Reserve Fund"). There shall be
7 credited to the Reserve Fund such sums as are specifically
8 appropriated to such fund. Funds may be expended from the
9 Reserve Fund only upon the written authorization of the Di-
10 rector and only in the amounts specified by the Director. The
11 Director may not authorize the expenditure of any funds from
12 the Reserve Fund unless he has previously informed the Per-
13 manent Select Committee on Intelligence of the House of
14 Representatives and the Select Committee on Intelligence of
15 the Senate of his intention to authorize such expenditure, the
16 amount thereof, and the purpose for which the expenditure is
17 to be made.

18 ADMISSION OF ESSENTIAL ALIENS

19 SEC. 408. Whenever the Director, with the approval of
20 the Attorney General, determines that the entry of particular
21 aliens into the United States for permanent residence is in
22 the interest of national security or essential to intelligence
23 activities, such aliens and their immediate families shall be
24 given entry into the United States for permanent residence
25 without regard to their inadmissibility under, or their failure

1 to comply with, any immigration law of the United States or
2 any other law or regulation. The Agency is authorized to
3 process, debrief, and provide relocation assistance to such in-
4 dividuals, as necessary and appropriate under regulations es-
5 tablished by the Director.

6 TITLE V—FEDERAL BUREAU OF INVESTIGATION

7 STATEMENT OF PURPOSE

8 SEC. 501. (a) The Federal Bureau of Investigation
9 (hereinafter in this title referred to as the "Bureau") shall
10 perform certain intelligence and counterintelligence activities
11 for the purpose of safeguarding the United States from for-
12 eign intelligence collectors from agents working in the United
13 States against the interests of the United States, and from
14 terrorists.

15 (b) The Bureau shall collect, produce, analyze, publish,
16 and disseminate to authorized recipients counterintelligence
17 and intelligence useful for countering terrorism, and conduct
18 such other lawful counterintelligence and counterterrorist ac-
19 tivities as are necessary for the achievement of the purposes
20 of this Act, including liaison with State, local, and Federal
21 agencies, and with foreign governments.

22 (c) All Bureau counterintelligence and counterterrorist
23 activities outside the United States shall be conducted in co-
24 ordination with the Foreign Intelligence Agency. All coun-
25 terintelligence and counterterrorist operations within the

1 United States by agencies of the United States Government
2 shall be coordinated with the Bureau, except such activities
3 by the military services relating primarily to persons subject
4 to Article 2 of the Uniform Code of Military Justice (10
5 U.S.C. 802).

6 DUTIES OF THE DIRECTOR OF THE FEDERAL BUREAU OF
7 INVESTIGATION WITH REGARD TO FOREIGN COUN-
8 TERINTELLIGENCE AND COUNTERTERRORISM

9 SEC. 502. Under the supervision of the Attorney Gener-
10 al, the Director shall—

11 (1) serve as the principal officer of the Govern-
12 ment for the conduct and coordination of counterintelli-
13 gence and counterterrorism within the United States;

14 (2) provide to the National Security Council, the
15 Permanent Select Committee on Intelligence of the
16 House of Representatives, and the Select Committee
17 on Intelligence of the Senate, a yearly report on the
18 capabilities and intentions of foreign intelligence serv-
19 ices operating in the United States and of terrorist
20 groups operating in the United States;

21 (3) advise the National Security Council, the Per-
22 manent Select Committee on Intelligence of the House
23 of Representatives, and the Select Committee on Intel-
24 ligence of the Senate regarding the objectives, prior-
25 ities, direction, conduct, and effectiveness of counterin-

1 intelligence and counterterrorism intelligence activities
2 within the United States;

3 (4) appoint subordinate officials to perform the
4 duties of the Director in his absence, and to administer
5 the Bureau's counterintelligence activities in the most
6 effective and efficient manner;

7 (5) release any data relating to counterintelligence
8 and counterterrorism to the United States Counterin-
9 telligence Office, and assign Federal Bureau of Investi-
10 gation personnel to the United States Counterintelli-
11 gence Office, as the Director of the Federal Bureau of
12 Investigation, the Director of the United States Coun-
13 terintelligence Office, and the Director of National In-
14 telligence shall agree; and

15 (6) promulgate guidelines for the conduct of
16 investigations.

17 FOREIGN INTELLIGENCE

18 SEC. 503. (a) In the course of its work in counterintelli-
19 gence and counterterrorism, the Bureau shall collect informa-
20 tion in support of the collection programs of any other entity
21 of the intelligence community, and disseminate that informa-
22 tion to the appropriate entity through the Director of Na-
23 tional Intelligence.

1 (b) The Bureau shall coordinate the efforts of all other
2 entities in the intelligence community to collect foreign intel-
3 ligence within the United States.

4 ASSISTANCE TO FOREIGN GOVERNMENTS

5 SEC. 504. The Bureau may comply with requests from
6 any law enforcement, intelligence or security agency of a for-
7 eign government for assistance in collecting intelligence
8 within the United States. The Bureau shall make a record of
9 such requests, submit such requests to the Attorney General
10 and the Director of National Intelligence in a timely manner,
11 and cease providing any assistance if either disapproves of
12 any such request.

13 NECESSARY AUTHORITY

14 SEC. 505. (a) In carrying out its functions under this
15 title, the Bureau is authorized to—

16 (1) establish, furnish, and maintain secure cover
17 for Bureau officers, employees, and sources, in accord-
18 ance with procedures approved by the Director of Na-
19 tional Intelligence;

20 (2) protect intelligence sources and methods from
21 unauthorized disclosure, in accordance with standards
22 established by the Director of National Intelligence;
23 and

1 (3) take all lawful measures to fulfill its task of
2 protecting the United States from hostile intelligence
3 services and terrorists.

4 (b) The Bureau shall coordinate the efforts of all other
5 entities in the intelligence community to collect foreign intel-
6 ligence within the United States.

7 TITLE VI—NATIONAL SECURITY AGENCY

8 ESTABLISHMENT OF AGENCY

9 SEC. 601. There is established within the Department
10 of Defense an agency to be known as the National Security
11 Agency (hereinafter in this title to be referred to as the
12 “Agency”) for the purpose of conducting signals intelligence,
13 cryptology, and communications security for the United
14 States, and to serve as the principal agency of the United
15 States’ Signals Intelligence System.

16 DIRECTOR OF THE AGENCY

17 SEC. 602. There shall be a Director of the National
18 Security Agency. The Director shall be appointed by the
19 President, by and with the advice and consent of the Senate,
20 for a term of ten years, and may be removed by the President
21 only for cause. The Director shall appoint such subordinate
22 officials as may be necessary for the effective accomplishment
23 of the Agency’s mission.

24 DUTIES OF THE DIRECTOR

25 SEC. 603. The Director shall—

1 (1) serve as the principal signals intelligence offi-
2 cer and communications security officer of the United
3 States;

4 (2) organize, maintain, direct and manage the
5 United States' signals intelligence system and prepare
6 a consolidated United States signals intelligence pro-
7 gram and budget for each fiscal year;

8 (3) conduct such research and development in
9 support of signals intelligence and communications se-
10 curity as may be necessary to meet the needs of the
11 United States, and review research and development in
12 signals intelligence and communications security
13 conducted by other agencies of the United States
14 Government;

15 (4) classify information pertaining to signals intel-
16 ligence and communications security;

17 (5) conduct liaison with foreign governments with
18 regard to signals intelligence, cryptology, and commu-
19 nications security;

20 (6) provide signals intelligence support for the
21 conduct of military operations;

22 (7) assign, in such manner and in such number as
23 shall be prescribed by the Director of National Intelli-
24 gence, employees of the Agency to the United States
25 Counterintelligence Office; and

1 (8) report to the intelligence committees of the
2 Congress at least yearly on the state of American sig-
3 nals intelligence and communications security, stating
4 what technologic or other opportunities for improved
5 performance have arisen during the reporting period,
6 and what action the Agency has taken with respect to
7 those opportunities.

8 GENERAL AUTHORITIES OF THE AGENCY

9 SEC. 604. (a) In carrying out its functions, the Agency
10 is authorized to—

11 (1) establish, furnish and maintain, in coordination
12 with the Director of National Intelligence, secure cover
13 for Agency officers, employees, agents and activities;

14 (2) purchase, rent, and dispose of property, either
15 openly or covertly, and expend funds as appropriate to
16 the fulfillment of the Agency's purpose as described in
17 section 601; and

18 (3) physically protect the security of its facilities,
19 equipment, personnel, and papers, to which end it may
20 authorize personnel to carry firearms.

21 (b) The authorities under subsection (a) may be exer-
22 cised notwithstanding any other provision of law, and shall
23 not be affected by any subsequent provision of law which
24 does not explicitly modify or repeal such subsection.

1 TITLE VII—UNITED STATES
2 COUNTERINTELLIGENCE OFFICE

3 ESTABLISHMENT OF OFFICE

4 SEC. 701. There is established in the Department of
5 Justice a United States Counterintelligence Office (herein-
6 after in this title known as the "Office") for the purpose of
7 coordinating the counterintelligence activities of the intelli-
8 gence community.

9 APPOINTMENT OF DEPUTY

10 SEC. 702. There shall be at the head of the Office a
11 Deputy Attorney General for the United States Counterintel-
12 ligence Office (hereinafter known as the "Deputy"). The
13 Deputy shall be appointed by the President, by and with the
14 advice and consent of the Senate, to serve a term of ten
15 years and may be removed by the President only for cause.
16 The Deputy shall appoint subordinate officials as may be nec-
17 essary for the effective accomplishment of the Office's
18 mission.

19 MISSION OF THE OFFICE

20 SEC. 703. It shall be the mission of the Office to retain
21 the central counterintelligence files of the United States Gov-
22 ernment, to analyze the information contained therein, and to
23 determine the nature, extent, and detailed characteristics of
24 the threat to the United States and its allies from foreign
25 intelligence services, international terrorism, or any other

1 clandestine or violent activities of foreign governments or
2 groups, excluding overt military activities conducted by the
3 overt armed forces of foreign governments or ordinary crimi-
4 nal activities by individuals.

5 COMPOSITION AND POWERS OF THE OFFICE

6 SEC. 704. (a) The Office shall be staffed by personnel
7 who are employees of an entity of the intelligence commu-
8 nity. Such personnel shall be assigned to the Office as the
9 Deputy and the directors of the agencies by which they are
10 employed shall agree.

11 (b) The Deputy may assign the Office's personnel to
12 projects anywhere in the world without regard to any provi-
13 sion of law governing the jurisdiction of the agencies by
14 which such personnel are employed.

15 (c) The Office shall be entitled to receive all information
16 of counterintelligence interest concerning any persons col-
17 lected by any other entity of the intelligence community. It
18 shall be entitled to request any information concerning
19 United States persons collected by any agency or department
20 of the United States Government. Requests for such informa-
21 tion shall be made through the Office's liaison personnel at
22 the agency or department of the United States Government
23 having custody of the information.

1 (d) Notwithstanding any other provision of law, the
2 Office shall purchase, lease, and dispose of property as neces-
3 sary for the accomplishment of its mission.

4 INVESTIGATIVE AUTHORITY

5 SEC. 705. The Office may request any entity of the in-
6 telligence community to initiate an investigation of any
7 United States person on the basis of facts and circumstances
8 which reasonably indicate that such person is or may be en-
9 gaged in—

10 (1) clandestine intelligence activity on behalf of a
11 foreign power;

12 (2) international terrorist activity, or any activity
13 in preparation thereof;

14 (3) international trafficking in drugs or other con-
15 traband substances, including illegal arms trafficking;
16 or

17 (4) organized crime activities, which transcend in-
18 ternational boundaries in terms of location of the crimi-
19 nal activities involved, location of places used as
20 havens from prosecution or location of places where
21 the proceeds from such criminal activities are invested
22 or deposited.

23 DISCLOSURE OF INFORMATION

24 SEC. 706. (a) No provision of law shall be construed to
25 require disclosure of information in the custody of the Office,

1 except that the intelligence committees of the Congress shall
2 have the same powers, responsibilities, and authorities with
3 respect to the Office as with respect to other entities of the
4 intelligence community.

5 (b) Subject to the approval of the Director of National
6 Intelligence, the Attorney General shall establish guidelines
7 for the dissemination of information concerning United States
8 persons from the Office to other entities of the intelligence
9 community or to law enforcement agencies at the Federal,
10 State or local level or to foreign intelligence, internal secu-
11 rity, or law enforcement agencies. Those guidelines shall be
12 consistent with section 107 of this Act and shall—

13 (1) minimize the dissemination of information from
14 the Office;

15 (2) prohibit dissemination of information to a law
16 enforcement agency as soon as such agency shall
17 advise the Office that prosecution of a subject of the
18 investigation is contemplated, except in cases where
19 there is an imminent danger of bodily harm or major
20 loss or destruction of property; and

21 (3) prohibit dissemination to a foreign intelligence,
22 internal security agency or law enforcement agency,
23 except in any case in which (A) the interests of the
24 United States are directly involved, (B) the Director of
25 National Intelligence has decided that, for reasons of

1 comity, dissemination is in the interests of the United
2 States, or (C) there is an imminent danger of bodily
3 harm or major loss or destruction of property.

4 TITLE VIII—CONGRESSIONAL OVERSIGHT

5 REPORTS AND NOTIFICATION TO CONGRESS

6 SEC. 801. (a) To the extent consistent with all applica-
7 ble authorities and duties, including those conferred by the
8 Constitution upon the executive and legislative branches, and
9 to the extent consistent with due regard for the protection of
10 classified information and intelligence sources and methods
11 from unauthorized disclosure, the head of each entity of the
12 intelligence community shall—

13 (1) keep the intelligence committees of the Con-
14 gress fully and currently informed of all intelligence ac-
15 tivities which are the responsibility of, are engaged in
16 by, or are carried out for or on behalf of, that entity,
17 including any significant anticipated intelligence activi-
18 ty, except that this paragraph does not require ap-
19 proval of such committees as a condition precedent to
20 the initiation of any such anticipated intelligence
21 activity;

22 (2) furnish any information or material concerning
23 intelligence activities in the possession, custody, or
24 control of that entity requested by the intelligence

1 committees of the Congress in order to carry out au-
2 thorized responsibilities; and

3 (3) report in a timely fashion to the intelligence
4 committees of the Congress relating to intelligence ac-
5 tivities that are illegal and corrective actions that are
6 taken or planned.

7 (b) The President may establish such procedures as the
8 President determines may be necessary to carry out the pro-
9 visions of subsection (a) and shall establish procedures for
10 timely informing the intelligence committees of the Congress
11 of any special activity not subject to prior notification under
12 subsection (a), together with a statement of the reasons for
13 not giving prior notification.

14 (c) Each special activity authorized under section 404(b)
15 shall be considered significant anticipated intelligence activi-
16 ties for the purposes of this section.

17 (d) Through rule or resolution, both the House of Repre-
18 sentatives and the Senate shall, in consultation with the Di-
19 rector of National Intelligence, establish procedures to pro-
20 tect from unauthorized disclosure information or materials
21 provided under this section which concern intelligence
22 sources and methods or classified information.

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